

## **ORDINANCE NO. 2019**

### **AN ORDINANCE AMENDING CHAPTER 11 OF THE RITZVILLE CITY CODE BY REPLACING SECTION 11.75 REGULATING DEVELOPMENT WITHIN A CRITICAL AREA.**

WHEREAS, among the responsibilities of the City is the need to provide for and enforce ordinances protecting and insuring the general health, safety, and welfare of the City, and its environmental resources, and

WHEREAS, the Washington State Growth Management Act mandates the City of Ritzville to designate, classify and protect critical areas using best available science; and

WHEREAS, the schedule established by the Growth Management Act in RCW 36.70A.130(4) mandates that the City of Ritzville create or review and, if necessary, revise its critical areas goals, policies and regulations to ensure compliance with the Growth Management Act; and

WHEREAS, a full SEPA review was conducted in June, 2007, and revised on , following duly advertised public meetings/hearings held by the Ritzville Planning Commission on July 11, 2007; and

WHEREAS, pursuant to RCW 36.70A.172 and Chapter 365-195 Part 9 WAC, the City of Ritzville has prepared a Best Available Science Review to ensure that the best available scientific information has been used to review its specific policies and development regulations adopted to protect the functions and values of critical areas; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, comments from the 60-day agency review conducted along with an appropriate SEPA review were reviewed and considered; and

WHEREAS, the Ritzville City Council conducted a duly advertised public hearing, December 4, 2007 to review the Planning Commission recommendation and take public testimony, and,

WHEREAS, the City Council finds that the addition of definitions and clarifications is necessary to complete the ordinance, now, therefore,

BE IT ORDAINED as follows:

Section I. Section 11.75 “Critical Resource Area Overlay (CR) Zone” of the Ritzville City Code is hereby repealed and replaced with the following:

## **Chapter 11.75 CRITICAL RESOURCE AREA OVERLAY (CR) ZONE**

**Sections:**

- 11.75.000 Critical Areas General Provisions**
- 11.75.030 Frequently Flooded Areas**
- 11.75.040 Fish and Wildlife Habitat Conservation Areas**
- 11.75.060 Wetlands**
- 11.75.070 Geologically Hazardous Areas**
- 11.75.080 Aquifer Recharge/Wellhead Protection Areas.**

### **11.75.000 CRITICAL AREAS GENERAL PROVISIONS**

**Sections:**

- 11.75.010 Purpose**
- 11.75.012 Authority**
- 11.75.014 Location of critical resource area overlay zone**
- 11.75.015 Definitions**
- 11.75.017 Uses**
- 11.75.019 General Provisions**
- 11.75.021 Permitting (Review)**
- 11.75.023 Amendment Process**
- 11.75.025 Administration**
- 11.75.027 Construction with Other Laws**
- 11.75.028 Exemptions and Exceptions**
- 11.75.029 Enforcement**

#### **11.75.010 Purpose.**

The purpose of the critical resource area overlay (CR) zone is to protect and preserve critical environmental resources while allowing appropriate development activities when carried out in a responsible manner with minimal impacts on the environmental resources. In addition, this section serves to protect the public health, welfare and safety of residents of Ritzville from development in hazardous areas and to prevent pollution, or the creation of substantial risk of pollution, of the city's aquifer. (Ord. 1024 § 11.02.151, 2001).

#### **11.75.012 Authority**

The Washington State Growth Management Act under RCW 36.70A requires local government to adopt development regulations to conserve natural resource lands and to preclude land uses or development incompatible with critical areas.

#### **11.75.014 Location of critical resource area overlay zone.**

The city's critical resource areas maps provide generalized information on the location of critical areas, including wetlands, habitat conservation areas, frequently flooded areas, geologically hazardous areas and aquifer recharge/wellhead protection areas. A site-specific analysis, which indicates that any critical area regulated by this section or Chapter [11.80](#) RCC exists on a lot, will result in that portion of the lot being classified as a critical area or floodplain area. (Ord. 1024 § 11.02.152, 2001).

#### **11.75.015 Definitions**

"Aquifers" refer to groundwater-bearing geologic formations that contain enough saturated permeable material to yield significant quantities of water to wells.

"Aquifer Recharge" means the process of infiltration and migration of which ground water is replenished.

"Artificial Wetlands" are those wetlands intentionally created on non-wetland (upland) sites. Artificial wetlands are not the result of an accident or an unexpected by-product of some other intentional act.

"Best Available Science" means using the most current, widely accepted scientific data, research, studies and/or reports in making land use and policy decisions when designating and protecting environmentally sensitive areas. See WAC 365-195-900.

"Best Management Practices" means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, sediment and
2. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical and biological characteristics of the natural environment.

"Buffer" means a horizontal distance measured perpendicularly from a property line which is required of a property owner to reduce the impacts of proposed uses on adjacent property or natural features by blocking or reducing noise, glare or other emissions or to maintain privacy. See also "Critical area buffer."

"Buffer Management" means actions and practices conducted for the purpose of protection and enhancement of critical areas by moderating or eliminating adverse impacts from adjacent land(s) or areas to create a buffer from encroachment by urban growth areas.

"Critical Aquifer Recharge Areas" are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the portability of the water.

"Critical Recharging Areas" are locations that have the capacity to replenish the storage of underground water due to favorable hydrological and topographical conditions.

"Critical Areas" include the following areas and ecosystems:

1. Frequently flooded areas,
2. Areas with critical recharging effect on aquifers used for potable water;
3. Geologically hazardous areas,
4. Fish and wildlife habitat conservation areas and,
5. Wetlands.

"EIS" means an Environmental Impact Statement; a detailed document which analyzes the significant impacts of a particular project or proposal, possible alternatives, mitigation measures and unavoidable environmental impacts. "Electric sign" means any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

"Exotic Species" means any introduced species of plant or animal occurring in Washington, not found historically in the state.

"Federal or State Endangered, Threatened, Candidate Species":

1. "Endangered Species" means a native species that is seriously threatened with extinction throughout all or a significant portion of its range.
2. "Threatened Species" means a native species that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range without cooperative management or removal of threats.
3. "Candidate Species" means a native species under review for possible listing as endangered, threatened, or sensitive. A species will be considered for candidate designation if sufficient scientific evidence suggests that its status may meet criteria defined for "endangered", "threatened" or "sensitive". Currently listed State Threatened or State Sensitive species may also be designated as State Candidate species if their status is in question.

"Fish and Wildlife Habitat Conservation Areas" include:

1. Areas with which endangered, threatened and sensitive species have primary association
2. Important habitat areas that may also include species of local importance:
  - a. "Important Habitat Areas" include seasonal ranges and/or habitat elements with which species of local importance have primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Included would be areas of high relative population density or species diversity, breeding habitat, winter range and movement corridors. They would also include habitats that are of limited availability or high vulnerability to alteration such as cliffs, talus, wetlands, and riparian zones
  - b. "Species of local importance" are defined based upon their population status, sensitivity to habitat manipulation, or high recreational value and public appeal
3. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat;
4. Waters of the state;
5. Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity.
6. State natural area preserves and natural resource conservation areas.

"Frequently Flooded Areas" include lands in the floodplain subject to a one-percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands and other natural water sources.

"Functions and Values" means the beneficial roles served by wetlands, including but not limited to: water quality protection and enhancement; fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge, erosion control, historical, archaeological and aesthetic value protection and recreation. (These beneficial roles are not listed by priority or in order).

"Geologically Hazardous Area" means an area not suited to commercial, residential or industrial development because of its susceptibility to erosion, sliding, earthquakes or other geological events hazardous to public health and safety."

"Groundwater Management Program" means a comprehensive program designed to protect groundwater quality, to assure groundwater quantity, and to provide for efficient management of water resources while recognizing existing groundwater rights and meeting future needs consistent with local and state objectives, policies and authorities within a designated groundwater management area or subarea developed pursuant to WAC 173-100."

"Habitat Conservation Area" includes (a) areas with which species designated as endangered, threatened, and sensitive under Section 7 of the Endangered Species Act have primary association; (b) habitats and species of local importance; (c) naturally occurring ponds under 20 acres and their submerged aquatic beds that provide wildlife habitat; (d) waters of the state; and (e) state natural area preserves and natural resource conservation areas.

"Impacts" means adverse effects of one thing upon another.

"Major Development" includes proposed development projects that are subject to objective and

subjective standards that require the exercise of limited discretion about non-technical issues and which may require a public hearing. The proposed development may or may not be subject to SEPA review, however any project action not listed as categorically exempt from SEPA review shall be considered a "major development" for the purposes of this title. Included within this type of development are subdivisions, conditional use permits, planned residential developments, shoreline substantial development permits and other similar applications.

"Minor Development" includes proposed development projects that are subject to clear, objective and non-discretionary standards that require the exercise of professional judgment about technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Included within this type of development are single-family building permits, temporary use permits, boundary line adjustments, short subdivisions, home occupations, and accessory uses and/or structures. "Minor modification" means a minor deviation in the property development standards or minor addition to or alteration of an existing building or structure affecting or equaling no more than 10 percent of the area of that structure or building.

"Mitigation" means actions which avoid, minimize, rectify, reduce, eliminate, compensate or correct otherwise probable significant adverse environmental impacts (WAC 197-11-768).

"Native Species" means plant or animal species naturally occurring in Washington, excluding introduced species not found historically in the state.

"Primary Association" means key habitat components that are critical to the life cycle of native wildlife species, i.e., nesting sites, wintering areas, and migration corridors. Loss of these values will result in fragmentation into sub-populations or extinction of populations from local areas.

"Priority Habitats and Species Program" means Washington Department of Wildlife's system of classifying habitats and associated species that are of specific concern due to population status and/or sensitivity to habitat manipulation. "Principal use" means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

"Restoration" means actions performed to reestablish wetland functional characteristics and processes which have been lost by alterations, activities or catastrophic events within an area which no longer meets the definition of a wetland.

"Riparian" means of, on, or pertaining to the bank of a natural course of water.

"Sensitive Species" means a native species that is vulnerable or declining, and is likely to become endangered or threatened in a significant portion of its range without cooperative management or removal of threats"

"State Listed Monitor Species" means native species that:

1. Were at one time classified as endangered, threatened, or sensitive;
2. Require habitat that has limited availability during some portion of its life cycle;
3. Are indicators of environmental quality;
4. Require further field investigations to determine population status;
5. Have unresolved taxonomy which may bear upon their status classification;
6. May be competing with and having impacts on other species of concern or;
7. Have significant popular appeal.

"Wellhead protection area" means the surface and subsurface area surrounding a well or well field that supplies a public water system through which contaminants are likely to pass and eventually reach the water well or well field, as has been designated pursuant to Chapter 246-290 WAC.

"Wetland" or "Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of

the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

#### **11.75.017 Uses.**

Uses allowed on a lot containing, or within 200 feet of, a critical area shall be the same as those listed in the use zone in which the lot is located. Each use shall be evaluated using the review process required for the use in the zone in conjunction with the requirements of this section and applicable state and federal regulations. Nothing in this section is intended to preclude the reasonable use of property. (Ord. 1024 § 11.02.153, 2001).

#### **11.75.019 General Provisions**

##### **A. Multiple designations of critical areas.**

1. Critical area designations overlay other land uses including designated natural resource lands. If two or more land use designations apply to a given parcel, or a portion of a parcel, both or all designations and their corresponding regulations shall be applicable.
2. The application of these provisions shall be considered in the application of other permits and development activities authorized by adopted City of Ritzville Codes including without limitation, the zoning code, subdivision code, etc.

**B. Reference maps and inventories.** The distribution of critical areas within the City of Ritzville are described and displayed on reference materials and on maps maintained by the administrator. These reference materials are intended for general information only and do not depict site-specific designations. These reference materials shall include but are not limited to the following:

##### **1. Maps:**

- a. Any maps created through a critical areas review process;
- b. WDFW Priority Habitats and Species maps, as amended;
- c. USGS Quadrangle maps;
- d. Flood Insurance Rate maps (FEMA), as amended;
- e. Flood Boundary and Floodway maps (FEMA), as amended;
- f. Aerial photographs;
- g. USFWS National Wetland Inventory maps, as amended;
- h. Columbia Basin Ground Water Management Area maps;
- i. Previously completed maps in the vicinity of a permit application.

##### **2. Documents:**

- a. Flood Insurance Study for Adams County;
- b. City of Ritzville Comprehensive Plan, as amended;
- c. Natural Resources Conservation Service Soil Survey for Adams County;
- d. Federal Wetlands Delineation Manual (1987) , as amended;
- e. Washington State Wetlands Identification and Delineation Manual (WDOE #96-94) , as amended;
- f. Washington State Wetlands Rating System for Eastern Washington (WDOE #02-06-19), as amended;
- g. "Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance" (Version 1, Pub. #06-06-011a)
- h. "Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans" (Version 1, Pub #06-06-11b)
- i. Management Recommendations for Washington's Priority Habitats and Species (WDFW), as amended;

- j. Management Recommendations for Washington's Priority Habitats – Wetlands (WDFW), as amended;
- k. Previously completed special reports conducted in the vicinity of a permit application;
- l. Columbia Basin Groundwater Management Area Plan, as amended.

C. Applicability of reference maps: The Reference Maps identified herein display general locations and approximate boundaries of potential critical areas and are not intended to determine regulatory boundaries. Further field determination and analysis will be necessary for specific development proposals to establish exact location, extent, and nature of critical areas.

#### **11.75.021 Permitting (previously “Review”)**

All uses proposed within the critical resource overlay zone shall be subject to the site plan review process. (Ord. 1024 § 11.02.056, 2001).

A. All applications for permits to conduct activities having possible impact(s) to critical areas must:

1. Establish if critical areas are present;
2. Identify if impact(s) could occur;
3. Make an estimate of the probable impact(s) and,
4. Refer to the provisions herein to guide development decisions which strive to mitigate impact(s).

B. Permits may be granted for proposals which include mitigation measures for probable impact(s) if the mitigation measures adequately protect the people and critical area(s) involved.

C. Unless mitigation measures are included, requests for permits shall be denied which would result in activities that would:

1. Significantly degrade a wetland or fish and wildlife habitat conservation area;
2. Put people or property in a position of unacceptable risk with respect to floods or geological hazards;
3. Tend to aggravate geological hazards; or
4. Harm critical recharging areas for aquifers.

#### **11.75.023 Amendment Process**

The provisions of this code may be amended from time to time, but not more frequently than one time in a year, through a public review and hearing process that includes at least one public hearing by the City of Ritzville Planning Commission and at least one public hearing by the City Council.

#### **11.75.025 Administration**

The Mayor of the City of Ritzville or designee is appointed to administer provisions of this chapter and may delegate authority to other employees to assist in its administration. The administrator, under direction of the City of Ritzville, shall adopt and revise, as required, such forms and instructions as are necessary or appropriate to serve the public and carry out provisions of this chapter. A fee, to assist in recovery of administrative costs incurred during review of a new proposal to determine potentially significant impacts to critical areas will be collected at the time of application.

#### **11.75.027 Construction with other laws**

A. Abrogation and greater restrictions. This chapter does not repeal, abrogate, and is not to be construed so as to impair any existing regulations, easements, covenants, or deed restrictions. However, when this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. Interpretation. Provisions of this chapter shall be liberally construed to serve the purposes of this chapter, and shall be interpreted in a manner that supports the intent of any comprehensive plans and regulations implementing those plans, as adopted by the City of Ritzville Council.

### **11.75.028 Exemptions and exceptions**

Certain activities are exempt from requirements of this chapter. Other regulated activities may be granted specific exceptions or an administrative modification. This section lists activities which are exempt and exceptions which may be granted to requirements of this chapter. All activities which are exempted, excepted or granted modifications shall prevent, minimize and/or compensate for impacts to critical areas to the maximum extent possible. Such activities, which are exempted, accepted or granted modifications, shall not be exempt from other laws or permit requirements, which may be applicable.

A. The following are exemptions to provisions of this chapter; however, the listed exemptions may not be exempted from other state or federal regulations or permit requirements:

1. Activities in response to emergencies that threaten public health, property, safety or welfare, as verified by the administrator to be the minimum necessary to alleviate the emergency.
2. Legally constructed structures, in existence on the date this ordinance becomes effective, that do not meet requirements of this ordinance may be remodeled or reconstructed; provided that the new construction or related activity does not further encroach into the critical area(s) and/or natural resource land(s). Remodeling or reconstruction shall be subject to all other requirements of the zoning code.
3. Normal and routine activities conducted by public agencies to control mosquitoes throughout the City of Ritzville.
4. Operation and maintenance of existing Columbia Basin Project related facilities by the U.S. Bureau of Reclamation, and maintenance activities of the East Columbia Irrigation District, and activities related to the use and reuse of water subject to the Federal Water Right.
5. Normal and routine maintenance of legally constructed irrigation and drainage ditches (when located within an already approved easement, right-of-way etc.).
6. Normal and routine maintenance of agricultural ponds, livestock watering ponds and fish ponds, provided that such activities do not involve conversion of any wetland or stream not used for such purpose on the effective date of this chapter.
7. Artificial structures intentionally constructed from upland areas for purposes of stormwater drainage or water quality control, or ornamental landscape ponds, which are not part of a mitigation plan as described and detailed herein.
8. Normal and routine maintenance of public streets, state highways, public utilities and public park facilities. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area, nor does it include construction of a maintenance road or dumping of maintenance debris.
9. The following electric, natural gas, cable communications and telephone utility-related activities, when undertaken pursuant to best management practices to avoid impacts to critical areas:
  - a. Normal and routine maintenance or repair of existing utility structures or right-of-way (when located within an already approved easement, right-of-way etc.);
  - b. Relocation of electric facilities, lines equipment or appurtenances, not including substations with an associated voltage of 55,000 volts or less, when required and/or



approved by the administrator (when located within an already approved easement, right-of-way etc.);

c. Relocation of natural gas, cable communications, telephone facilities, lines, pipes, mains, equipment or appurtenances when required and/or approved by the administrator;

d. Installation or construction in approved street right-of-ways and replacement, operation or alteration of all facilities listed in subsections b. and c., above;

Water quality, floodplain and other permits may be required if applicable.

10. Buffer management when approved by the administrator and all agencies with jurisdiction. Management may be limited to actions necessary to reduce risk to adjacent properties from falling trees, wildfire, etc provided the management is the minimum necessary to protect both the critical area and property.

11. Existing and on-going agricultural activities normal or necessary to general farming conducted according to industry-recognized best management practices, particularly as advocated by the Natural Resources Conservation Service, including the raising of crops or the grazing of livestock.

#### B. Reasonable Use Exception:

If application of the requirements in this section would deny all reasonable economic use of the lot, development will be permitted if the applicant demonstrates all of the following to the satisfaction of the planning commission when reviewed through the site plan review process:

1. There is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area; and

2. The proposed development does not pose a threat to the public health, safety and welfare on or off of the subject lot; and

3. Any alterations permitted to the requirements of this section shall be the minimum necessary to allow for reasonable use of the property; and

4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line, and creating a condition where the property may not be developed after the effective date of this section; and

5. The proposal mitigates the impacts on the critical area to the maximum extent possible. (Ord. 1024 § 11.02.157, 2001).

#### C. Reasonable Use Decision Process:

An application for reasonable use exception shall be filed with the Administrator and shall be considered by the Board of Adjustment at a public hearing. The application shall include the following information which will be considered during the evaluation for granting a reasonable use exception:

1. A description of the critical area(s) located on the property and the required standards of this code that are applicable to the proposed development;

2. An analysis of the minimum amount of development that would be considered reasonable economic use of the lot, including a narrative which describes the factual basis for this determination;
3. An analysis of the impact(s) associated with development in subsection 2 that would be imposed on the critical areas(s);
4. An analysis of whether any other reasonable economic use with less impact on the critical area(s) and buffers is possible. This should include a discussion of whether there is any practical on-site alternative to the proposed development with less impact, including reduction in density, phasing of project implementation, change in timing of activities, revision of lot layout, and/or related site planning considerations that would allow reasonable economic use with less adverse impact to the critical area(s) or buffers.

### **11.75.029 Enforcement**

Enforcement of provisions of this code shall generally be pursuant to the provisions of Chapter 1.02.010 in the City of Ritzville Code. In addition to the procedures in Chapter 1.02 of the City of Ritzville Code, the following enforcement provisions shall apply:

A. It shall be unlawful for any person, firm, corporation or association, or agent thereof, to violate any provision of this code. Any person who violates any of the provisions of this chapter shall be guilty of a civil offense and may be fined a sum not to exceed \$500.00 for each offense as per 1.02.010. After a notice of violation has been given, each day of site work in conjunction with the notice of violation shall constitute a separate offense. The City of Ritzville will stop work on any existing permits and will halt the issuance of any or all future permits or approval for any activity which violates the provisions of the code until all penalties and restorations are made in full.

B. Upon a determination by the administrator of this code that a violation has occurred, he/she shall issue a notice in writing either by certified mail with return receipt requested or by personal service to the person incurring the same. The notice of violation and order shall be served upon each record owner, taxpayer and occupier and, when applicable, the contractor(s). The notice shall include the amount of the penalty imposed and shall describe the violation with reasonable particularity. In appropriate cases, corrective action shall be identified in the notice, which corrective action shall be taken within a specific and reasonable time.

C. A person receiving a written notice of violation may appeal said notice to the administrative official. The administrative official shall determine the status of the violation.

D. The City Attorney may enforce compliance with this chapter by such injunctive, declaratory or other actions as deemed necessary to ensure that violations are prevented, ceased, or abated.

### **11.75.030 FREQUENTLY FLOODED AREAS**

#### **Sections:**

- |                  |                               |
|------------------|-------------------------------|
| <b>11.75.030</b> | <b>Purpose and Objectives</b> |
| <b>11.75.032</b> | <b>Classification</b>         |
| <b>11.75.034</b> | <b>Designation</b>            |

#### **11.75.030 Purpose and objectives**

It is the intent of the City of Ritzville to recognize and diminish potential hazards that may be caused by inappropriate development in areas where severe and costly flooding is anticipated to occur. Based on historical observation and information collected by the Federal Emergency Management Agency, the City endorses a cautious posture that limits construction in areas located within zones designated to be flood prone. This decision stems from local, as well as state and federal understanding, that development limitation in these areas help to serve the health, safety and public welfare of the people of the City of Ritzville.

Protection measures designed to minimize hazards in frequently flooded areas already exist for the City, as detailed in the City of Ritzville Flood Damage Prevention Chapter 12.08, originally adopted through Ordinance 1002 § 1.1, 2000, and as hereafter amended.

#### **11.75.032 Classification**

Classification of frequently flooded areas, according to the Minimum Guidelines, should include, at a minimum, the 100 year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program. The following categories of frequently flooded areas established for the purpose of classification are:

A. Floodways - The channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment in order that the base flood be carried without substantial increases in flood heights.

B. Floodplains - The floodway and special flood hazard areas.

C. Special Flood Hazard Areas - The area adjoining the floodway which is subject to a one percent or greater chance of flooding in any given year, as identified in the Adams County Flood Insurance Study (July 26, 1977), and determined by the Federal Insurance Administration.

#### **11.75.034 Designation**

All City of Ritzville lands and waters which are currently identified within the 100 year floodplain in the Federal Emergency Management Agency entitled "The Flood Insurance Study for the County of Adams", dated July 26, 1977, with accompanying Flood Insurance Rate and Boundary Maps are designated as frequently flooded areas. If and when this study becomes updated to reflect new conditions, designation of frequently flooded areas will include the changes.

All new development within designated frequently flooded areas shall be in compliance with the City of Ritzville Flood Damage Prevention Ordinance, as it is now or hereafter amended.

### **11.75.040 FISH AND WILDLIFE HABITAT CONSERVATION AREAS**

#### **Sections:**

<b>11.75.040</b>	<b>Purpose and Objectives</b>
<b>11.75.042</b>	<b>Identification</b>
<b>11.75.044</b>	<b>Classification</b>
<b>11.75.046</b>	<b>Determination Process</b>
<b>11.75.048</b>	<b>Habitat conservation areas</b>
<b>11.75.050</b>	<b>Designation</b>
<b>11.75.052</b>	<b>Fish/Wildlife Habitat Boundary Survey</b>
<b>11.75.054</b>	<b>Fish/wildlife habitat management and mitigation plan.</b>

#### **11.75.040 Purpose and objectives**

As of the adoption of this ordinance there are no identified fish and wildlife habitat areas within the City of Ritzville. However, it is the intent of the City of Ritzville to recognize the importance of protecting fish and wildlife habitat conservation areas while at the same time encouraging continued economic development of the City of Ritzville, including the continuation of agriculture. Implementation of this section is directed toward preserving resources by steering incompatible development away from these areas and/or by providing adequate and appropriate mitigation measures to development that alleviate negative impacts.

Various federal, state and private agencies and individuals currently manage established fish and wildlife habitat conservation areas within the City of Ritzville. In recognition of their expertise and experience in local habitat management, the City of Ritzville supports their efforts to preserve and protect those critical fish and wildlife habitat conservation areas by acknowledging that cooperation and communication are essential to achieve common habitat conservation goals. The following objectives are the guiding factors in the application of this section to future development in the City of Ritzville:

- A. Identify and map categories of fish and wildlife habitat conservation areas in the City of Ritzville, based in part on information supplied by Washington Department of Wildlife's Priority Habitat and Species Program, and other sources.
- B. Cooperate with federal, state and private agencies, and individuals who have primary authority to manage specific fish and wildlife habitat conservation areas within certain parts of the City of Ritzville.
- C. Encourage preservation of adequate size blocks of land necessary for species survival and corridor areas that allow for migratory travel.
- D. The City of Ritzville recognizes that species of wildlife in this locality are in a state of continuing flux, and a prudent understanding of this phenomenon is vital in guiding decision-makers to balance conservation of wildlife species with promotion of wise, desirable growth.
- E. Development decisions will serve to protect local wildlife values and reflect the needs and desires of the public.
- F. The City of Ritzville recognizes the need for a degree of flexibility in weighing the significance of different areas of fish and wildlife habitat conservation. Specifically, the magnitude of protection for "Priority Habitat Areas" is anticipated to be more pronounced than that which addresses "Important Habitat Areas".

#### **11.75.042 Identification**

According to WAC 365-190-080, Fish and Wildlife Habitat Conservation means "land management for maintaining species in suitable habitat within their natural geographical distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species and all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in a region. In some cases, intergovernmental cooperation and coordination may show that it is sufficient to assure a species will usually be found in certain regions across the state."

A. Areas of Fish and Wildlife Habitat Conservation are defined as:

- I. Areas with which federal or state endangered, threatened and sensitive species of fish, wildlife or plants have a primary association;

2. Habitats and species of local importance, which could include areas with state listed monitor or candidate species, or federally listed candidate species, or species with high recreational value (game, etc.) that have primary association;
3. Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat;
4. Waters of the state;
5. Lakes, ponds, streams and rivers planted with game fish by a governmental entity; (these include water bodies planted under auspices of a federal, state or local program, or which support important fish species as identified by Washington Department of Wildlife) or,
6. Federal, state and private natural area preserves and natural resource conservation areas.

B. It is recognized that the list of Federal and State threatened and endangered species changes from time to time. The above list shall be continuously updated to reflect the federal and/or state listed threatened or endangered species, to the degree that the City of Ritzville is made aware of the updates by the applicable federal or state agency.

C. The City of Ritzville allows for the nomination of “Species/Habitats of Local Importance”, which process shall be included in the amendment process identified in 11.75.030. In order to nominate “Species/Habitats of Local Importance” as candidates for designation within the category of Important Habitat Areas, an individual or organization must:

1. Demonstrate a need for special consideration;
2. Propose relevant management strategies considered effective and within the scope of this chapter;
3. Provide species habitat location(s) on a map (scale 1:24,000).

D. In order to accommodate the needs and desires of the people of the City of Ritzville, public input shall be required to include species and/or habitats in the “Important Habitat Area” classification identified in this Section. Where the habitats and species classified as “Priority Habitat Area” are responsive, concurrently, with official changes in federal and/or state threatened or endangered listings/de-listings, to include or un-include species and/or habitats in the “Important Habitat Area” classification, these regulations must be amended through a formal process for nomination as described in this regulation.

E. There are no “anadromous fisheries” within the City of Ritzville.

#### **11.75.044 Classification**

Fish and wildlife habitat conservation areas will be classified and designated by the City of Ritzville as follows, based on a variety of data sources as identified herein:

A. Priority Habitat Areas – seasonal ranges and habitat elements with which federal and/or state listed endangered and threatened species have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term;

B. Important Habitat Areas – habitat areas that are associated with and actively utilized by federal and/or state candidate species and species designated as being of local importance according to the nomination process described in Section 11.75B.020.

#### **11.75.046 Determination process**

The City of Ritzville will review each development permit application to determine if the provisions of this Section will be applied to the project. In making the determination, the City of Ritzville may use any of the reference maps and/or inventories identified in (the General Provisions Section) of this regulation. The following progressive steps will occur upon a determination by the City of Ritzville that a fish and/or wildlife habitat conservation area may exist on a site proposed for a development permit.

A. Step one: The City of Ritzville staff will determine if there are any possible fish and/or wildlife habitat conservation areas on-site. This determination shall be made following a review of information available, as well as a site inspection and/or a consultation with a qualified fish and/or wildlife biologist, if deemed necessary by the City of Ritzville. If no fish and/or wildlife habitat conservation area is determined to be present, this section shall not apply to the review of the proposed development.

B. Step two: If it is determined by the City of Ritzville staff that a fish and/or wildlife habitat conservation area may be present, a site inspection and consultation with federal and/or state wildlife agency personnel shall be conducted to more definitively determine if a fish and/or wildlife habitat conservation area exists on the site. If no, this section shall not apply to the review of the proposed development. If yes, the applicant shall submit a habitat boundary survey and a habitat management and mitigation plan, as provided for in this section.

#### **11.75.048 Habitat conservation areas.**

If a development is proposed within 200 feet of habitat conservation areas, the applicant shall provide a habitat management plan (HMP), prepared by a qualified expert in the species in question, for evaluation by the city, state, and federal agencies. The HMP shall be based on sound habitat management practices and shall be designed to achieve specific habitat objectives. The city shall ask the appropriate resource agencies to review and comment on the development impacts and provisions of the HMP. (Ord. 1024 § 11.02.154, 2001).

#### **11.75.050 Designation**

A. If an area that is subject to a development permit application is determined to be a Priority Habitat Area after going through the determination process described herein, it shall be designated as such, and a habitat boundary survey and a habitat management and mitigation plan shall be developed as provided for in this section.

B. If an area that is subject to a development permit application is determined to be an Important Habitat Area after going through the determination process described herein, it shall be designated as such, and habitat boundary survey and a habitat management and mitigation plan may be required as provided for in this section. Designation as either a Priority or Important Habitat Area is NOT intended to deny development opportunities; rather, it is aimed at either steering growth to more suitable areas where fish and wildlife values will not be unduly compromised, or developing appropriate and adequate mitigation measures to alleviate potential negative impacts.

#### **11.75.052 Fish/Wildlife habitat boundary survey**

A. If it is determined through the process identified herein that a Priority Habitat Area exists on a site that is the subject of a development permit application, a fish/wildlife habitat boundary survey and evaluation shall be conducted by a fish or wildlife biologist, as appropriate, who is knowledgeable of wildlife habitat within the City of Ritzville. The wildlife habitat boundary shall be field staked by the biologist and surveyed by a land surveyor for disclosure on all final plats, maps, etc.

B. If it is determined through the process identified herein that an Important Habitat Area exists on a site that is the subject of a development permit application, a fish/wildlife habitat boundary survey and

evaluation may be required if the proposal meets the definition of “Major Development” as described within this regulation, and if the proposal is determined to have a probable adverse impact on the habitat area. When required, all provisions of the habitat boundary survey and evaluation described in this section shall be followed.

C. The director may waive the requirement for the survey for minor development if:

1. The proposed development is not within the extended proximity of the associated habitat;
2. There is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures; and;
3. The applicant provides voluntary deed restrictions that are approved by the City of Ritzville.

D. The fish/wildlife habitat boundary and any associated buffer shall be identified on all plats, maps, plans and specifications submitted for the project.

#### **11.75.054 Fish/Wildlife habitat management and mitigation plan**

A fish/wildlife habitat management and mitigation plan is required for all proposed developments determined to be within a “Priority Habitat Area”. For those proposed developments determined to be within “Important Habitat Area”, a fish/wildlife habitat management and mitigation plan may be required if it is determined by the City of Ritzville that the proposal will have probable adverse impacts on the habitat area.

A. When required, a fish/wildlife habitat management and mitigation plan shall be prepared by a biologist who is knowledgeable of wildlife habitat within the City of Ritzville.

B. The fish/wildlife habitat management and mitigation plan shall demonstrate, when implemented, that the net loss of ecological function of habitat is minimal;

C. Based on the best available science, the fish/wildlife habitat management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the habitat conservation area and any associated buffer.

D. The fish/wildlife habitat management and mitigation plan shall include maps and narrative descriptions that address at least the following items:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Compensating for the impact by replacing, enhancing or providing substitute resources or environments.

E. A plan by the applicant that explains how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:

1. Use of any federal, state or local management recommendations which have been developed for the species or habitats in the area;
2. Establishment of appropriate and adequate buffer zones;
3. Preservation of critically important plants and trees;
4. Limitation of access to the habitat conservation area;
5. Seasonal restriction of construction activities;
6. Establishment of a timetable for periodic review of the plan.

F. A detailed discussion of on-going management practices which will protect the habitat conservation area after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs.

G. The director may waive the requirement for the habitat management and mitigation plan for minor development if:

1. The proposed development is not within the extended proximity of the associated habitat;
2. There is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures; and;
3. The applicant provides voluntary deed restrictions that are approved by the City of Ritzville.

## **11.75.060 WETLANDS**

### **Sections:**

<b>11.75.060</b>	<b>Purpose and Objectives</b>
<b>11.75.062</b>	<b>Classification and Designation</b>
<b>11.75.064</b>	<b>Determination Process</b>
<b>11.75.066</b>	<b>Wetland Management and Mitigation Plan</b>
<b>11.75.068</b>	<b>Management Recommendations and Standards</b>

### **11.75.060 Purpose and objectives**

It is the intent of the City of Ritzville to promote public health and welfare by instituting local measures to preserve naturally occurring wetlands that exist in the City of Ritzville for their associated value. These areas may serve a variety of vital functions, including, but not limited to: flood storage and conveyance, water quality protection, recharge and discharge areas for groundwater, erosion control, sediment control, fish and wildlife habitat, recreation, education and scientific research.

Protection measures should strive to spare identified value and function of wetlands that may be in jeopardy from new development proposals. However, these regulations shall not prohibit uses legally existing on any parcel prior to their adoption.

The City of Ritzville recognizes that various legal means and levels of government already address protection of wetlands. Effort will be made to avoid unnecessary duplication and to promote cooperation and coordination whenever possible.

### **11.75.062 Classification and designation**

Wetlands shall be identified and delineated using the Washington State Wetlands Identification and Delineation Manual. Classification and rating of wetlands will be done using the Washington State Wetlands Rating System for Eastern Washington.

The following wetlands are not regulated by this code:

#### **A. Artificial Wetlands.**

Samples of artificial wetlands may be Areas identified on the National Wetland Inventory (NWI) map contained in the City of Ritzville's BAS document as artificial/excavated, diked, ditched or excavated (etc). The City may use such documentation as a locational indicator requiring case by case review to establish if the wetland area is a result of naturally occurring water.

### **11.75.064 Determination process**



The City of Ritzville will review each development permit application to determine if the provisions of this Section will be applied to the project. In making the determination, the City of Ritzville may use any of the reference maps and/or inventories identified in Section 11.75 of this regulation. The following progressive steps will occur upon a determination by the City of Ritzville that a wetland area may exist on a site proposed for a development permit.

A. Step one: The City of Ritzville staff will determine if there are any possible wetland areas on-site. This determination shall be made following a review of information available, as well as a site inspection and/or a consultation with a qualified wetland biologist, if deemed necessary by the City of Ritzville. If no wetland area is determined to be present, this section shall not apply to the review of the proposed development.

B. Step two: If it is determined by City of Ritzville staff that wetland areas may be present, a site inspection and consultation with a qualified wetland biologist shall be conducted to more definitively determine if a wetland area exists on the site. If no, this section shall not apply to the review of the proposed development. If yes, the applicant shall conduct a wetland delineation and shall submit a wetland management and mitigation plan, as provided for in this section.

#### **11.75.066 Wetland management and mitigation plan**

A. As determined necessary as provided for in this section, a wetland management and mitigation plan shall be required when impacts to a wetland are unavoidable during project development.

B. Seek to minimize potential impacts to non-regulated wetland areas, including vernal pools.

C. Wetland management and mitigation plans shall be prepared by a biologist or wetland ecologist who is knowledgeable of wetland conditions within the City of Ritzville.

D. The wetland management and mitigation plan shall demonstrate, when implemented, that there shall be no net loss of the ecological function or acreage of the wetland.

E. The wetland management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the wetland and its associated buffer.

F. The wetland management and mitigation plan shall contain a report that includes, but is not limited to, the following information:

1. Location maps, regional 1:24,000 and local 1:4,800;
2. A map or maps indicating the boundary delineation of the wetland; the width and length of all existing and proposed structures, utilities, roads, easements; wastewater and stormwater facilities; adjacent land uses, zoning districts and comprehensive plan designations;
3. A description of the proposed project including the nature, density and intensity of the proposed development and the associated grading, structures, utilities, stormwater facilities, etc., in sufficient detail to allow analysis of such land use change upon the identified wetland;
4. A detailed description of vegetative, faunal and hydrologic conditions, soil and substrate characteristics, and topographic features within and surrounding the wetland;
5. A detailed description of vegetative, faunal and hydrologic conditions, soil and substrate characteristics, and topographic features within any compensation site;
6. A detailed description of the proposed project's effect on the wetland, and a discussion of any federal, state or local management recommendations which have been developed for the area;

7. A discussion of the following mitigation alternatives as they relate to the proposal. The mitigation alternatives shall be proposed in a manner that considers the following in order of priority from a through d.:
- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
  - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
  - c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
  - d. Compensating for the impact by replacing, enhancing or providing substitute resources or environments.
8. A plan by the applicant which explains how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:
- a. Establishment of buffer zones;
  - b. Preservation of critically important plants and trees;
  - c. Limitation of access to the wetland area;
  - d. Seasonal restriction of construction activities;
  - e. Establishment of a monitoring program within the plan;
  - f. Drainage and erosion control techniques.
9. A detailed discussion of on-going management practices which will protect the wetland after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs;
10. All reports will be provided in an electronic format (word processor) and all geographic entities (maps etc.) will be provided in a geo-coded format for use in GIS systems (ArcView, MapInfo, AutoCad etc.).

G. Mitigation ratios shall be used when impacts to wetlands cannot be avoided. As identified below, the first number specifies the acreage of replacement wetlands and the second number specifies the acreage of wetlands altered. The mitigation ratios by wetland type are as follows:

- 1. Wetland Category I- 6:1
- 2. Wetland Category II- 3:1
- 3. Wetland Category III- 2:1
- 4. Wetland Category IV- 1.5:1.0

H. Wetlands enhancement as mitigation.

- 1. Impacts to wetlands may be mitigated by enhancement of existing wetlands. Applicants proposing to enhance wetland must produce a critical area report that identifies how enhancement will increase the functions of the wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.
- 2. The ratios identified in (F), above, shall be double the required acreage where the enhancement proposal would result in minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland.

#### **11.75.068 Management recommendations and standards**

The following management recommendations and standards will apply to development proposals determined to be located within wetland areas, as defined and described herein:

A. Wetlands shall be protected, based on their quality established from the rating system, and from alterations which may create adverse impacts. The greatest protection shall be provided to Category I and II Wetlands.

B. Alteration shall NOT mean best management practices for agriculture which by design could not be considered a change in land use, including but not limited to, improved chemical application or practice, which are intended to improve crop production and enhance areas adjacent to wetlands.

C. Activities conducted by public agencies to control mosquitoes in compliance with state and federal laws shall be exempt from the City of Ritzville wetland regulations.

D. Activities and construction necessary on an emergency basis to prevent threats to public health and safety may be allowed if reasonable justification warrants cause for a waiver.

E. The City of Ritzville will coordinate wetland preservation strategy and effort with appropriate state and federal agencies, and private conservation organizations, to take advantage of both technical and financial assistance, and to avoid duplication of efforts.

F. A wetland buffer area of adequate width shall be maintained between wetlands and adjacent new development to protect the function and integrity of wetlands. The ultimate width of the established buffer shall be handled on a case by case basis, dependent upon functioning and sensitivity of the wetland; characteristics of the existing buffer, potential impacts associated with adjacent and proposed land use, and other existing regulation which may control the proposed activity. Extension or reduction in required buffer widths may be imposed according to these factors. Standard buffer widths should approximate:

Categories	I	II	III	IV
Land Use Intensity				
Major Development	200 ft	100 ft	50 ft	50 ft
Minor Development	100 ft	50 ft	50 ft	25 ft

G. Wetland buffers shall be retained in their natural conditions unless change in a portion of a wetland buffer is proposed that will not have an adverse impact on the wetland, or adequate mitigation cannot or will not be provided by natural conditions. Integrity of the wetland shall be maintained as a function of the buffer.

H. Standard buffer widths may be modified by the City of Ritzville for a development proposal by averaging buffer widths based on a report submitted by the applicant and prepared by a qualified professional approved by the director (e.g. wetland biologist), and shall be allowed where the applicant demonstrates all of the following

1. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;
2. The designated wetland contains variations in sensitivity due to existing physical characteristics;
3. The width averaging will not adversely impact the designated wetland's functional value;
4. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging

I. Activities or uses which would strip the shoreline of vegetative cover, cause substantial erosion or sedimentation or affect aquatic life, should be prohibited.

J. Construction of structural shoreline stabilization and flood control works should be minimized. New developments should be designed to preclude need for such works and should be compatible with shoreline characteristics and limitations.

K. Wetland alteration shall not cause significant adverse impact to wetland ecosystems or surrounding areas, unless impacts are unavoidable and necessary to feasibility of the project.

L. Encourage development of an education program promoting the value of the City of Ritzville's wetlands, and that promotes private stewardship of wetland areas. Landowners should not be penalized for creating wetland sites on private property by the addition of new regulatory responsibilities.

## **11.75.070 GEOLOGICALLY HAZARDOUS AREAS**

<b>11.75.070</b>	<b>Purpose</b>
<b>11.75.072</b>	<b>Identification</b>
<b>11.75.074</b>	<b>Classification and Designation</b>
<b>11.75.076</b>	<b>Determination Process</b>
<b>11.75.078</b>	<b>Geotechnical Report</b>

### **11.75.070 Purpose**

It is the intent of the City of Ritzville to reduce the threat posed to the health and safety of its citizens from commercial, residential or industrial development that may be sited in areas of significant geologic hazard. In some cases, it is recognized that risks from geologic hazards can be reduced or mitigated to acceptable levels through engineering design or modified construction practices. In other cases where technological efforts are not sufficient to reduce associated risks, building is best avoided.

### **11.75.072 Identification**

According to WAC 365-190-030, geologically hazardous areas are "areas that because of their susceptibility to erosion, sliding, earthquake or other geological event, are not suited to siting commercial, residential and/or industrial development consistent with public health or safety concerns." Hazards of concern that exist in the City of Ritzville include any land containing soils, geology or slopes that meet any of the following criteria:

- A. Areas with slopes in excess of 45%;
- B. Areas with these two characteristics:
  - 1. Areas with the potential for water loading; and
  - 2. Slopes in excess of 15%
- C. Slopes having gradients steeper than eighty percent (80%) subject to rock fall during seismic shaking;
- D. Areas highly susceptible to liquefaction from seismic activity
- E. Soils within the City of Ritzville are subject to wind erosion. All developments subject to the provisions of this code that involve any land clearing activities shall have a dust control and wind erosion mitigation plan reviewed and approved by the City of Ritzville.

#### **11.75.074 Classification and designation**

A. All geologically hazardous areas shall be classified and designated by the City of Ritzville according to the level of risk associated with the hazardous area as established through an approved geologic hazard risk assessment and/or a geotechnical report submitted by the applicant in accordance with this chapter. The City of Ritzville may use on-site inspections and the information sources identified in this chapter as guidance in identifying the presence of potential geologically hazardous areas.

B. Geologically hazardous areas in the City of Ritzville shall be classified according to the following system:

1. Level 1: Critical Hazard Area shall be those areas with a known risk.
2. Level 2: Awareness Hazard Areas shall be those areas that have a suspected risk.

#### **11.75.076 Determination process**

The City of Ritzville will review each development permit application to determine if the provisions of this Section will be applied to the project. In making the determination, the City of Ritzville may use any of the reference maps and/or inventories identified in (the General Provisions Section) of this regulation:

A. Step One: City of Ritzville staff will determine if there are any possible geologically hazardous areas on-site as defined herein. This determination will be made following a review of information available and a site inspection if appropriate. If no hazard area is determined to be present, this section shall not apply to the review of the proposed development.

B. Step Two: If it is determined that a geologically hazardous area may be present, the applicant shall submit a geologic hazard area risk assessment prepared by a licensed engineer or a licensed geologist. The risk assessment will include a description of the geology of the site and the proposed development; an assessment of the potential impact the project may have on the geologic hazard; an assessment of what potential impact the geologic hazard may have on the project; appropriate mitigation measures, if any; and a conclusion as to whether further analysis is necessary. The assessment will be signed by and bear the seal of the engineer or geologist that prepared it. No further analysis shall be required if the geologic hazard area risk assessment concludes that there is no geologic hazard present on the site, nor will the project affect or be affected by any potential geologic hazards that may be nearby. The City of Ritzville may waive the requirement for the geologic hazard area risk assessment where the only hazard present is wind erosion and where the dust control and wind erosion mitigation plan required in 11.75D.020 has been reviewed and approved by the City of Ritzville.

C. Step Three: If the professional preparing the risk assessment in step two concludes that further analysis is necessary, the applicant shall submit a geotechnical report as provided for herein.

D. A proposed development cannot be approved if it is determined by the geotechnical report that either the proposed development or adjacent properties will be at risk of damage from the geologic hazard, or that the project will increase the risk of occurrence of the hazard, and there are no adequate mitigation measures to alleviate the risks.

#### **11.75.078 Geotechnical report**

A. All geotechnical reports shall be prepared by a civil engineer licensed to practice in the State of Washington.

B. A geotechnical report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations on the suitability of the site to be developed. The report shall evaluate

the actual presence of geologic conditions giving rise to the geologic hazard, and an evaluation of the safety of the proposed project, and identification of construction practices, monitoring programs and other mitigation measures necessary. A bibliography of scientific citations shall be included as necessary.

C. The geotechnical report shall include a certification from the engineer preparing the report, including the engineer's professional stamp and signature, stating all of the following:

1. The risk of damage from the project, both on- and off-site is minimal;
2. The project will not materially increase the risk of occurrence of the hazard; and
3. The specific measures incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard.

D. All mitigation measures, construction techniques, recommendations and technical specifications provided in the geotechnical report shall be applied during the implementation of the proposal. The engineer of record shall submit sealed verification at the conclusion of construction that development occurred in conformance with the approved plans.

## **11.75.080 AQUIFER RECHARGE/WELLHEAD PROTECTION AREAS**

### **Sections:**

- |                  |                                                 |
|------------------|-------------------------------------------------|
| <b>11.75.080</b> | <b>Purpose</b>                                  |
| <b>11.75.082</b> | <b>Classification and Designation</b>           |
| <b>11.75.084</b> | <b>Management Recommendations and Standards</b> |

### **11.75.080 PURPOSE**

It is the intent of the City of Ritzville to promote public health and safety by acknowledging the importance of preserving critical aquifer recharge areas that may exist in the City of Ritzville. These areas serve the vital function of replenishing groundwater resources which, in Eastern Washington, account for a major share of the water for irrigation, municipal, industrial and domestic uses. Potable water is an essential life-sustaining element. Much of Washington's water comes from groundwater supplies. Preventing contamination is necessary to avoid exorbitant costs, hardships and potential physical harm to people.

### **11.75.082 Classification and designation**

As of 2001, the City of Ritzville has adopted the "Columbia Basin Ground Water Management Area Plan". Although the primary focus of this plan is to reduce nitrate in groundwater of the GWMA, significant scientific data has been developed that identifies, among other things, where there are groundwater areas in the City of Ritzville that may be susceptible to contaminant loading. For the purposes of this code, those areas identified by the GWMA as being exposures above-ground of the top of the highest recognized basalt complex basalt flows are "critical aquifer recharge areas". Any activities, particularly municipal, industrial, commercial and agricultural activities, that involve the collection and storage of substances that, in sufficient quantity during an accidental or intentional release, would result in the impairment of the aquifer water to be used as potable drinking water liquids shall be regulated by this chapter.

### **11.75.084 Management recommendations and standards**

The following management recommendations and standards will apply to development proposals determined to be located within critical aquifer recharge areas, as defined and described herein:

A. The appropriate agency(ies) within the City of Ritzville will develop educational information to assist with informing people with shallow wells how best to manage and protect their potable water source.

B. The City of Ritzville will support the GWMA and local conservation districts in their efforts to educate agricultural producers about the best management practices for protecting the City of Ritzville's groundwater quality.

C. The City of Ritzville will encourage the Washington State Department of Ecology to better enforce the well-casing requirements.

D. Development activities within a critical aquifer recharge area that have a high potential for contamination shall be required to do a hydrological study, based on information available from the GWMA, and shall develop and implement protection measures to prevent contamination.

E. Any changes in land use or type of new facilities where substances of moderate risk are used, stored, treated or handled; or which produce moderate risk waste shall be designed to prevent the release of any such materials into the groundwater.

F. Surface impoundments, defined by Chapter 173-303 WAC, shall be designed by a professional engineer and constructed with an impermeable liner and other components as appropriate to prevent discharge of any material on the ground surface and/or into the groundwater system. Surface impoundments shall be designed and constructed in accordance with applicable governing law, and have a minimum excess capacity equal to one hundred twenty percent of the projected volume of liquid to be contained including intentional and unintentional stormwater capture.

G. All minor developments, as defined and described herein, authorized within an aquifer recharge area shall comply with the following standards:

1. Connection to a public sanitary sewer system or an approved community sewer system shall be required. If connection to sanitary sewer is not feasible, on-site septic systems proposed on legal lots of record are permitted provided:
  - a. The public health officer has designated the aquifer recharge area as an "area of special concern" in accordance with WAC 246-272-21501;
  - b. The type of on-site system is approved by Adams County Health upon finding that the design of the system will not be detrimental to the community water supply;
  - c. The property owner shall enter a no protest agreement with a sanitary sewer provider as appropriate to the property location, agreeing to not protest the formation of a local improvement district for the extension of sanitary sewer. This agreement shall be recorded with the Adams County Auditor.
2. The connection to an approved public water service shall be required.

H. All major developments as defined and described herein, authorized within an aquifer recharge area shall comply with the following minimum standards:

1. Connection to a public sanitary sewer system or an approved community sewer system shall be required unless the public health officer has designated the aquifer recharge area as an "area of special concern" in accordance with WAC 246-272-21501;
2. Connection to an approved public water system shall be required;
3. All existing wells located on the subject property shall either be properly abandoned in accordance with the requirements of Adams County Health and the Department of Ecology or designated for irrigation purposes only. If an existing well is designated for irrigation purposes, then the following shall apply:

- a. Evidence of a water right issued by the state of Washington for the use of the well shall be presented to the review authority. An application for a water right is not acceptable evidence of an actual right to appropriate water.
- b. Certification from the public health officer stating that the well is properly constructed and sealed to prevent any contaminants from entering the wellhead shall be submitted to the review authority.
- 4. Stormwater detention and retention facilities shall be designed using best available science and management practices to separate chemical and biological pollutants from the water prior to infiltration.
- 5. An analysis shall be conducted to assess the impact to groundwater quality from the potential of nitrate loading to the groundwater.
- 6. Areas highly susceptible of transporting contaminants to the groundwater (i.e., natural drainages, springs, wetlands, etc.), as determined by the review authority, shall be designated as open space. All impervious surfaces shall maintain a fifteen foot setback from areas identified as being highly susceptible and no amount of stormwater runoff shall be directed towards the susceptible area(s).

I. Parks, Schools and Recreation Facilities. Fertilizer and pesticide management practices of schools, parks, other recreation facilities and similar uses shall use best management practices as prescribed by the Washington State University Cooperative Extension Services.

J. All major and minor developments shall have an informational note placed on the face of plat stating "this subdivision is located within an aquifer recharge area. Best management practices shall be used for the containment of stormwater and the application of pesticides and fertilizers

K. In areas designated as high susceptibility for aquifer contamination, all uses shall be connected to the City's sewer system. No new uses on a septic system are permitted in high susceptibility areas of critical aquifer recharge.

L. For uses locating within the critical aquifer recharge area, a disclosure form indicating activities and hazardous materials that will be used shall be provided for review and approval.

M. Impervious surfaces shall be minimized within the critical aquifer recharge areas.

N. Best management practices shall be followed by commercial and industrial uses located in the critical aquifer recharge areas.

O. A spill prevention and emergency response plan shall be prepared and submitted for review and approval. (Ord. 1024 § 11.02.155, 2001).

Section 2. Any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This ordinance shall take effect and be in full force five (5) days after publication as presented in this ordinance.

**READ** in open meeting;

**PASSED** by unanimous vote of the City Council present, and,



**ORDERED PUBLISHED** this \_\_\_\_ day of February, 2008.

\_\_\_\_\_  
Linda Kadlec, Mayor

ATTEST:

\_\_\_\_\_  
David A. Grove, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark DeWulf, City Attorney

Published Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Faxed to Journal: \_\_\_\_\_